



STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
BETH TOWNSEND
EXECUTIVE DIRECTOR

Press Release - **FOR IMMEDIATE RELEASE**

Contact: Beth Townsend, Executive Director

Phone: 515-281-4121

Date: February 7, 2012

Iowa Civil Rights Commission reaches settlement with Bath & Body Works LLC

The Iowa Civil Rights Commission (ICRC) has reached a settlement with Bath & Body Works, LLC based on a complaint brought by a former employee, Penny C. Dittmer. Ms. Dittmer filed a complaint with the ICRC on May 19, 2009 alleging that she had been retaliated against by her employer, Bath & Body Works, as a result of her participation in an investigation involving another employee's civil rights complaint.

Ms. Dittmer was hired by Bath and Body Works on October 5, 2007 and was shortly thereafter promoted to store manager at a store in Des Moines. As manager, Ms. Dittmer supervised a male African American Sales Leader who was considered for promotion to the position of co-manager in late 2008. The promotion was supported by Ms. Dittmer. Ms. Dittmer's supervisor, a District Manager (DM) instead hired a female Caucasian. This hiring decision resulted in the African American employee filing a complaint with the ICRC. While the complaint was pending before the Commission, Ms. Dittmer discussed it with the District Manager who had made the hiring decision. Ms. Dittmer informed the DM that she was supportive of the employee and would testify honestly about the circumstances surrounding the hiring of the female. The DM reported this conversation to Bath & Body Works Human Resources. The coaching she received from Human Resources was "to go back to [Dittmer] to share with her that she's an employee of Bath & Body Works, not of [the male employee] and that that [sic] would not be in her best interest to support him in that case because she did represent Bath & Body Works." The DM followed this guidance in a subsequent conversation with Ms. Dittmer.

Shortly after this conversation, Ms. Dittmer was placed under investigation for an alleged failure to investigate workplace misconduct of a subordinate. Up to this time, Ms. Dittmer had not been the subject of an investigation and her workplace evaluations did not reveal information which supported termination. Ms. Dittmer was terminated as a result of the investigation shortly thereafter. The ICRC investigation revealed inconsistencies in Bath & Body Works' stated basis for the investigation of Ms. Dittmer as well as the decision to terminate her employment. The reasons put forth appeared to be a pretext for retaliating against Ms. Dittmer because she had stated that she would tell the truth with regard to the male employee's civil rights complaint. Based on the ICRC investigation, an Administrative Law Judge determined Probable Cause existed to believe Ms. Dittmer had been discriminated against by Bath & Body Works.

The Iowa Civil Rights Act, Ch. 216.11 and 216.11A, specifically prohibits acts of retaliation, interference, coercion, or intimidation against employees who oppose discrimination, complain about discrimination or who testify and participate in the investigation of complaints of discrimination. As part of the settlement agreement, Bath and Body Works developed a new policy regarding retaliation and further agreed to provide it to all of its employees within the State of Iowa. Training will be provided on retaliation to all Human Resources personnel and managers of the company within the state of Iowa.